

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:07-CV-00275-D

SILICON KNIGHTS, INC.,  
an Ontario (Canada) Corporation,

Plaintiff/Counterclaim Defendant,

v.

EPIC GAMES, INC., a Maryland  
Corporation,

Defendant/Counterclaim Plaintiff.

**PLAINTIFF SILICON KNIGHTS, INC.'S  
MOTION FOR REMITTITUR**

Pursuant to Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) Rule 59(a), Plaintiff Silicon Knights, Inc. (“SK”), by and through its counsel, hereby respectfully moves this Court for remittitur of the judgment against it. Dkt. 804. Specifically, SK requests that this Court remit the judgment in the amount of the \$1,800,000, which was awarded to Epic on its trade secret misappropriation and copyright infringement claims.

The award of \$1,800,000 award constitutes double recovery. Epic’s claims for breach of contract, trade secret misappropriation, and copyright infringement all arise from the same operative facts: SK’s alleged unauthorized use of Unreal Engine 3. Consequently, Epic can obtain only one recovery for that injury, and Epic was made whole by the jury’s award of \$2,650,000 in back license fees under the License Agreement. With such an award, SK’s use of UE3 is authorized under the License Agreement and cannot constitute either misappropriation or infringement.

Accordingly, SK respectfully requests that this Court remit the judgment against it and limit that judgment to \$2,650,000.

Respectfully submitted the 2nd day of July, 2012.

WOMBLE CARLYLE SANDRIDGE & RICE,  
LLP

/s/ Hayden J. Silver, III

Hayden J. Silver, III (NC State Bar No. 10037)  
jsilver@wcsr.com

WOMBLE CARLYLE SANDRIDGE & RICE,  
LLP

150 Fayetteville Street  
Suite 2100  
Raleigh, NC 27601  
Phone (919) 755-2100  
Fax (919) 755-6099

KRIEG, KELLER, SLOAN, REILLEY &  
ROMAN LLP

Christopher T. Holland (CA Bar No. 164053)  
Kenneth E. Keller (CA Bar No. 71450)  
Garth A. Rosengren (CA State Bar No. 215732)  
Tanya I. Wei (CA Bar No. 240867)  
555 Montgomery Street, 17th Floor  
San Francisco, CA 94111  
Phone (415) 249-8330  
Fax (415) 249-8333

*Attorneys for Plaintiff Silicon Knights, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that on this date the foregoing **PLAINTIFF SILICON KNIGHTS, INC.'S MOTION FOR REMITTITUR** was filed electronically with the Clerk of the Court using the CM/ECF system which will send notice of such filing to the following:

Doug Kenyon  
dkenyon@hunton.com

Sean Braswell  
sbraswell@hunton.com

Canon Pence  
cpence@hunton.com

HUNTON & WILLIAMS LLP  
One Bank of America Plaza, Suite 1400  
421 Fayetteville Street  
Raleigh, North Carolina 27601

This the 2nd day of July, 2012

/s/ Hayden J. Silver, III

---

Hayden J. Silver, III  
NC State Bar No. 10037

WOMBLE CARLYLE SANDRIDGE & RICE, LLP  
150 FAYETTEVILLE STREET  
SUITE 2100  
RALEIGH, NC 27601  
PHONE (919) 755-2100  
FAX (919) 755-6099